

SP 25.1 Buy American Act

Substantive changes made for the 2-21-06 revision:

- 1) Changes the title of the SP. It was “*Buy American Act and Balance of Payment Program*”.
- 2) Removes all references to the Balance of Payment Program.
- 3) Changes the definition of “*Component*” to include “end product”.
- 4) Adds the U.S. Code citation for the Buy American Act on page 2 (*41 USC 10a-10d*),
- 5) Updates the prime contract clause references to those contained in Contract 31.
- 6) Adds reference to the following LBNL forms, and modifies the DOE documentation section slightly to reflect the content contained in these forms:
 - a) *Buy American Act Price Evaluation*
 - b) *Request for Determination – Foreign Construction Materials*
- 7) Adds an additional bullet at the end of the section entitled “*Buy American Act Requirements*” relating to the exemption for information technology under the circumstances specified in FAR 25.103(e).
- 8) Adds the requirement that the Procurement Manager, or designee, must approve all requests for waiver of the Buy American Act requiring DOE approval.
- 9) Modifies the section entitled, “*Waiver of the Buy American Act*” to incorporate the substantive content of SI 25.1 *Requests to DOE for Waiving the Application of the Buy American Act*. Accordingly, SI 25.1 is deleted. Also, we originally reserved a new SP 25.4 for the purpose of including the content of SI 25.1, but since this is no longer necessary, SP 25.4 will not be used. FYI - The substantive content of SI 25.1 concerned:
 - a) Use of form *Request for Determination – Supplies of Foreign*, which is now covered in SP 25.1, but the form is no longer an Exhibit as it was in SI 25.1.
 - b) Use of a “DOE Log”. Signature control and approval for Buy American waivers, including DOE’s signature approval, is incorporated into the *Request for Determination* form mentioned in 7a above.
- 10) Adds reference to Prime Contract Clause I.114, paragraph (g) “Buy American”.